THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.5440 OF 2006

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Dated: 20-03-2006

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BETWEEN

Kolagatla Trinadh,

S/o. Ramanaji Rao,

R/o. D.No.43-9-184,

Subba Lakshmi Nagar,

Visakhapatnam.

...PETITIONER

AND

The District Collector,

Visakhapatnam and

another.

...RESPONDENTS

ORDER:

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Petitioner seeks a Writ of Mandamus to declare the action of the respondents in dispossessing him from the land of an extent of

340 sq. yards covered by S.No.294/2 and 3 part of Mangamaripeta Village, hamlet of Kapuluppada, Bheemunipatnam Mandal, Visakhapatnam District without following due process of law as illegal and arbitrary.

Learned counsel for the petitioner submits that originally the aforementioned land belonged to Dasari Penta Rao, Jami Nookaraju, Jami Appanna and Jami Yellamma as they succeeded to the said property, which is their ancestral property. One Mr. Gunnabathula Prasada Naidu purchased the said land vide sale deed dated 28.05.2001 bearing Document No.3048/2001 registered before the Sub-Registrar, Bheemunipatnam. Thereafter, petitioner purchased the said land from the Gunnabathula Prasada Naidu vide sale deed dated 10.02.2003 bearing document No.397/2003. He further submits that the said land is neither an assigned land nor Government land but it is a private patta land. He further submits that the second respondent visited the land of the petitioner on 13.03.2006 and informed him that he would dispossess him from the said land, as it is a Government land.

However, even if the said land is an assigned or Government land the respondents cannot dispossess the petitioner without following due process of law.

Having regard to the facts and circumstances of the case,
the writ petition is disposed of directing the respondents not to dispossess the petitioner from the land in question without following due procedure prescribed in law.

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V. ESWARAIAH, J

March 20, 2006

Note: Furnish C.C. of the order by 22.03.2006

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